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5 Attorney for Defendant  
5 HECTOR JAVIER MACIAS-VALENCIA

**\*E-FILED - 5/7/09\***

7 UNITED STATES DISTRICT COURT  
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
9 (San Jose Venue)

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11 UNITED STATES OF AMERICA, ) Case No. CR 06-00010-RMW  
12 Plaintiff, )  
13 vs. ) STIPULATION SETTING  
14 HECTOR JAVIER MACIAS-VALENCIA ) RESENTENCING HEARING  
15 Defendants. ) AND ORDER  
16 \_\_\_\_\_) Date: Mon. Sept. 8, 2009  
17 ) Time: 9:00 a.m.  
18 ) Judge: Hon. Ronald M. Whyte

19 This case has been remanded to this Court for resentencing for the reasons  
20 stated in the Ninth Circuit Court of Appeals Memorandum of Decision filed March 4,  
21 2009 in C.A. Case No. 07-10350. Defendant Hector Macias-Valencia and the  
22 government, by and through their counsel, agree and stipulate that the resentencing  
hearing shall be set before this Court on September 8, 2009 at 9:00 a.m.

23 The parties agree that they shall file their respective briefs no later than one  
24 week in advance of the hearing. Mr. Macias-Valencia is in custody at the FCI in Big  
25 Springs, Texas. The government will submit the required documentation and will  
26 work together with the U.S. Marshal to have the defendant transported to San Jose  
27 for the hearing.

28 Defense counsel requests that the defendant be brought to the district at least

1 two weeks prior to the hearing to allow counsel and the defendant to confer, and  
2 requests that the U.S. Marshal notify defense counsel as soon as Mr. Macias-  
3 Valencia arrives in San Jose. The government has no objection to these requests.

4 Both counsel and U.S. Probation Officer Lori Timmons, are available on  
5 September 8, 2009.

6 IT IS SO STIPULATED:

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DATED: May 1, 2009

/S/ Suzanne A. Luban  
SUZANNE A. LUBAN,  
Counsel for Hector Macias-Valencia

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DATED: May 1, 2009

/S/ John Glang<sup>1</sup>  
JOHN N. GLANG  
Assistant United States Attorney  
Counsel for Plaintiff

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<sup>1</sup>I hereby attest that I have on file all holograph signatures for any signatures

indicated by a "conformed" signature (/S/) within this efiled document.

/S/ Suzanne A. Luban  
SUZANNE A. LUBAN  
Counsel for Defendant

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

(San Jose Venue)

UNITED STATES OF AMERICA, ) Case No. CR 06-00010-RMW  
Plaintiff, )  
vs. )  
HECTOR JAVIER MACIAS-VALENCIA )  
Defendants. )  
[]  
ORDER  
Date: Mon. Sept. 8, 2009  
Time: 9:00 a.m.  
Judge: Hon. Ronald M. Whyte

For Good Cause Shown, IT IS HEREBY ORDERED that:

1. The resentencing hearing shall be placed on the Court's calendar for September 8, 2009 at 9:00 a.m.:

2. The parties shall file their respective briefs no later than one week in advance of the hearing:

3. The government shall take the necessary steps to arrange to have the defendant transported to San Jose for the hearing, and shall work with the U.S. Marshal to get him here at least two weeks prior to the hearing;

4. The U.S. Marshal shall transport the defendant to the district at least two weeks prior to the hearing, and shall notify defense counsel Suzanne A. Luban by calling her at (510) 832-3555 as soon as Mr. Macias-Valencia arrives in San Jose

Dated: 5/7 , 2009

*Ronald M. Whyte*  
HON. RONALD M. WHYTE  
U.S. District Judge